

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

MICHAEL DILDAY,

Plaintiff

v.

CIVIL NO. 3:16cv996

DIRECTV, LLC.,

**SERVE: Secretary of the Commonwealth
Service of Process Department
P.O. Box 2452
Richmond, VA 23218**

and

EQUIFAX INFORMATION SERVICES, LLC.,

**SERVE: Corporation Service Company, Registered Agent
Bank of America Center 16th Floor
1111 E. Main St.
Richmond, VA 23219**

Defendants

COMPLAINT

COMES NOW the Plaintiff, **MICHAEL DILDAY**, by counsel and as for his Complaint against the Defendants, alleges as follows:

PRELIMINARY STATEMENT

1. This is an action for actual, statutory and punitive damages, costs and attorney's fees brought pursuant to 15 U.S.C. §1681 et seq. (the Federal Fair Credit Reporting Act or "FCRA").

JURISDICTION

2. The jurisdiction of this Court is conferred by 15 U.S.C. §1681p and 28 U.S.C.

§1331.

3. Venue is proper in this Court pursuant to 28 U.S.C. §1391(b)(1) inasmuch as Defendants maintains their registered offices or statutory office within this District and Division. Plaintiff resides in this District and significant part of the Plaintiff's claims occurred there.

PARTIES

4. The Plaintiff is a natural person and resident of the Commonwealth of Virginia. He is a consumer as defined by the FCRA.

5. Defendant **DIRECTV, LLC.** ("**DIRECTV**") is a foreign limited liability company transacting business in Virginia.

6. Upon information and belief, **EQUIFAX INFORMATION SERVICES, LLC.** ("**EQUIFAX**") is a limited liability company authorized to do business in the Commonwealth of Virginia through its registered offices in Richmond, Virginia.

7. Upon information and belief, **EQUIFAX** is a "consumer reporting agency," as defined in 15 U.S.C. §1681a(f). Upon information and belief, **EQUIFAX** is regularly engaged in the business of assembling, evaluating, and disbursing information concerning consumers for the purpose of furnishing consumer reports, as defined in 15 U.S.C. §1681a(d) to third parties.

8. Upon information and belief, **EQUIFAX** disburses such consumer reports to third parties under contract for monetary compensation.

STATEMENT OF FACTS

9. On or about January 8, 2015, **DIRECTV** obtained and used the Plaintiff's consumer report without a permissible purpose to do so.

10. On or about January 8, 2015, **DIRECTV** misrepresented to the consumer reporting agency the reason and purpose for its use of Plaintiff's credit report.

11. Plaintiff does not, nor has he ever had an account with **DIRECTV**, nor did he ever give **DIRECTV** permission to obtain his consumer report.

12. On information and belief, Plaintiff alleges that **EQUIFAX** did not have a lawful or reasonable basis to believe, let alone know, that **DIRECTV** had a permissible purpose to obtain and use Plaintiff's consumer report.

13. On or about January 8, 2015, Defendant **EQUIFAX** provided and published the Plaintiff's consumer report to Defendant, **DIRECTV** without permissible purpose and without reasonable procedures to obtain verification that **DIRECTV** had a permissible purpose to obtain the Plaintiff's consumer report.

COUNT ONE
VIOLATION OF 15 U.S.C. §1681b(a)
(EQUIFAX)

14. Plaintiff reiterates and incorporates the allegations contained in paragraphs 1 through 13 above as if fully set out herein.

15. Defendant, **EQUIFAX** violated the FCRA, 15 U.S.C. §1681b by providing the Plaintiff's consumer reports to Defendant, **DIRECTV** without a permissible purpose to do so.

16. **EQUIFAX's** violation was willful, or in the alternative was negligent.

17. Plaintiff is entitled to recover actual damages, statutory damages, costs and attorney's fees from **EQUIFAX** in an amount to be determined by the Court pursuant to 15 U.S.C. § 1681n and §1681o.

COUNT TWO
VIOLATION OF 15 U.S.C. §1681e(a)
(EQUIFAX)

18. Plaintiff reiterates and incorporates the allegations contained in paragraphs 1 through 17 above as if fully set out herein.

19. Defendant, **EQUIFAX** violated the FCRA, 15 U.S.C. §1681e(a) by providing the Plaintiff's consumer report to Defendant, **DIRECTV** without reasonable procedures to assume the proper use of and lawful purpose for such reports.

20. **EQUIFAX's** violation was willful, or in the alternative was negligent.

21. Plaintiff is entitled to recover actual damages, statutory damages, costs and attorney's fees from **EQUIFAX** in an amount to be determined by the Court pursuant to 15 U.S.C. § 1681n and §1681o.

COUNT THREE:
VIOLATION OF 15 U.S.C. §1681b(f)
(Directv)

22. Plaintiff reiterates and incorporates the allegations contained in paragraphs 1 through 21 above as if fully set out herein.

23. Defendant, **DIRECTV** violated the FCRA, 15 U.S.C. 1681b(f) by obtaining and using the Plaintiff's consumer reports without a permissible purpose to do so.

24. **DIRECTV** also violated §1681b(f) by failing to accurately and lawfully certify a permissible purpose to Equifax.

25. **DIRECTV's** violation was willful, or in the alternative was negligent.

26. Plaintiff is entitled to recover actual damages, statutory damages, costs and

attorney's fees from **DIRECTV** in an amount to be determined by the Court pursuant to 15 U.S.C. § 1681n and §1681o.

WHEREFORE, Plaintiff demands judgment for actual, statutory and punitive damages against the Defendants, jointly and severally, for his attorneys' fees and costs; for prejudgment and post-judgment interest at the judgment rate; specific performance and injunctive relief; and such other relief the Court deems just and proper.

TRIAL BY JURY IS DEMANDED.

MICHAEL DILDAY,

By: /s/
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